

10. Opposer's registered trademark "SEXY HAIR," Opposer's family of "SEXY" marks, and the "Sexy Hair" and "Sexy Hair Concepts" names are inherently distinctive as applied to Opposer's products and business.

11. By virtue of Opposer's continuous use in commerce of its registered "SEXY HAIR" trademark and its family of "SEXY" marks and the "Sexy Hair" and "Sexy Hair Concepts" names in connection with such goods and business, such goods and business have become favorably known to the relevant trade and public under such marks and names.

12. As Opposer is the owner of a subsisting U.S. trademark registration for "SEXY HAIR," priority is not in issue.

13. In the application herein opposed, there are no restrictions on trade channels, so it must be assumed that the goods identified in the application will travel through all trade channels appropriate for goods of that type.

14. Applicant's mark is confusingly similar to Opposer's registered "SEXY HAIR" trademarks and to the family of "SEXY" marks established by Opposer, and to Opposer's "Sexy Hair" and "Sexy Hair Concepts" trade names.

15. Each of Opposer's marks and names, and Applicant's mark, employ the identical term—"SEXY," as the dominant or a dominant element.

16. The goods of Opposer and hair coloring preparations of Applicant listed in the application herein opposed are essentially the same (hair color, dyes and rinses), or otherwise closely related.

17. Hair care preparations including hair color, dyes and rinses, such as are sold by Opposer and hair coloring preparations such as are identified in the application herein opposed are customarily marketed through the same and overlapping channels of trade to the same and overlapping classes of purchasers.

18. Applicant's "FIND YOUR SEXY" trademark applied to hair coloring preparations as identified in the application herein opposed so resembles Opposer's registered "SEXY HAIR" trademarks, Opposer's family of "SEXY" marks as applied to Opposer's products, and Opposer's "Sexy Hair" and "Sexy Hair Concepts" names as used in connection with Opposer's business, that it is likely to cause confusion, mistake, and/or deception.

19. If Applicant is permitted to register "FIND YOUR SEXY?" as a mark for the hair coloring preparations as set forth in the application herein opposed, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

20. On seeing Applicant's "FIND YOUR SEXY" mark used in connection with Applicant's hair coloring preparations, purchasers and potential purchasers are likely to believe in error that such goods are offered by or in association with or under license from Opposer or that Opposer and Applicant are affiliated.

21. Any defect, objection to, or fault found with Applicant's hair coloring preparations sold under the mark "FIND YOUR SEXY" would necessarily reflect on and seriously injure the reputation that Opposer has established for its goods and business.

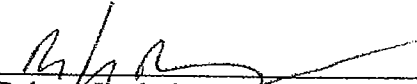
22. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark for the goods identified in the registration. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Sexy Hair Concepts LLC prays that registration of the mark of Application Serial No. 77004141 be refused and that this opposition be sustained.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Respectfully submitted,

Dated: May 8, 2007

By: 

Robert Jacobs-Meadway

Patricia G. Cramer

Troy Larson

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103-7599

(215) 864-8201

ATTORNEYS FOR OPPOSER

EXHIBIT A

SHINY 0631

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-05-07 14:50:25 ET

Serial Number: 75634213 Assignment Information

Registration Number: 2403396

Mark (words only): SEXY HAIR

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-06-28

Filing Date: 1999-02-05

Transformed into a National Application: No

Registration Date: 2000-11-14

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-08-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

I. SEXY HAIR CONCEPTS, LLC

Address:

SEXY HAIR CONCEPTS, LLC
9232 ETON AVENUE
CHATSWORTH, CA 91311
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

SHINY 0632

<http://tarr.uspto.gov/servlet/tarr?regser=registration&entry=2403396>

5/7/2007

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

Basis: 1(a)

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-03 - Case File In TIGRS

2006-06-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-06-12 - Assigned To Paralegal

2006-03-24 - Section 8 (6-year) and Section 15 Filed

2006-03-24 - TEAS Section 8 & 15 Received

2000-11-14 - Registered - Principal Register

2000-08-22 - Published for opposition

2000-07-21 - Notice of publication

2000-06-03 - Approved for Pub - Principal Register (Initial exam)

1999-12-14 - Letter of suspension mailed

1999-10-18 - Communication received from applicant

1999-08-17 - Non-final action mailed

1999-08-04 - Assigned To Examiner

1999-07-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta Jacobs-Meadway

SHINY 0633

<http://tarr.uspto.gov/servlet/tarr?regser=registration&entry=2403396>

5/7/2007

Correspondent

ROBERTA JACOBS-MEADWAY
BALLARD SPAHR ANDREWS & INGERSOLL LLP
1735 MARKET STREET, 51ST FL
PHILADELPHIA PA 19103

SHINY 0634

<http://tarr.uspto.gov/servlet/tarr?regser=registration&entry=2403396>

5/7/2007

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

kes

Mailed: July 25, 2007

Opposition No. 91177174

Sexy Hair Concepts, LLC

v.

Revlon Consumer Products
Corporation

Answer was due on June 17, 2007. A review of the record shows that an answer has not been filed.

This case now comes up for consideration of opposer's motion, filed June 25, 2007, for default judgment against applicant for failure to file an answer. The motion is uncontested.¹

Inasmuch as applicant failed to file an answer in this case, and failed to respond to opposer's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of

SHINY 0635

entered against applicant, the notice of opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a).

***By the Trademark Trial
and Appeal Board***

plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.

LAW OFFICES

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

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PHILADELPHIA, PENNSYLVANIA 19103-7599
215-665-8500
FAX: 215-864-8999
WWW.BALLARDSPAHR.COM

BALTIMORE, MD
DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

ROBERTA JACOBS-MEADWAY
DIRECT DIAL: 215-864-8201
PERSONAL FAX: 215-864-9950
JACOBSMEADWAYR@BALLARDSPAHR.COM

April 3, 2007

via Federal Express

Mark I. Peroff, Esquire
Kirkpatrick & Lockhart Preston Gates Ellis LLP
599 Lexington Avenue
New York, NY 10022-6030

Re: Trademark Application Serial No. 79/027,779
Yves Saint Laurent Parfums
YOUNG SEXY LOVELY
Our file: 033979

Dear Mark:

This office represents Sexy Hair Concepts LLC of Chatsworth CA (Sexy Hair) in connection with certain trademark and unfair competition matters.

Sexy Hair has for almost ten years used SEXY as a mark and name and as a component of marks and names in connection with hair care preparations and has developed an extensive family of SEXY marks. The nature and extent of the use of the SEXY marks and names may be seen at the website at www.sexyhairconcepts.com.

Sexy Hair has taken steps to protect its SEXY marks and a printout showing the pertinent information about various of its registered trademarks is attached.

You will appreciate that the SEXY marks and names are valuable assets of Sexy Hair.

The application that you have filed on behalf of Yves Saint Laurent Parfums is accordingly of concern, since a dominant element of that mark is SEXY and the goods identified in the application filed August 2, 2006 include hair care preparations.

If SEXY is used as a prominent component of a mark in connection with hair care preparations, we think a likelihood of confusion is high, granted the similarity between the marks and the goods.

SHINY 0637

Mark I. Peroff, Esquire
April 3, 2007
Page 2

Accordingly, we are asking that your client delete from its application all hair care preparations and commit in writing that it will make no use of its mark or name in connection with hair care preparations.

Please be advised that if the amendment of the application is not made, and the application is published, we will lodge an opposition.

Please be advised that if an amicable resolution is not achieved, Sexy Hair reserves all rights to take such other action as may be appropriate to protect its trademark rights.

We look to hear from you with respect to your client's intentions in the matter by the close of business on April 23, 2007.

Very truly yours,



Roberta Jacobs-Meadway

RJM/vlm

cc: Sexy Hair Concepts LLC

SHINY 0638

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-04-03 15:42:16 ET

Serial Number: 75634213 Assignment Information

Registration Number: 2403396

Mark (words only): SEXY HAIR

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-06-28

Filing Date: 1999-02-05

Transformed into a National Application: No

Registration Date: 2000-11-14

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-08-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

SEXY HAIR CONCEPTS, LLC

Address:

SEXY HAIR CONCEPTS, LLC

232 ETON AVENUE

CHATSWORTH, CA 91311

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

SHINY 0639

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair
cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

Basis: 1(a)

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

MADRID PROTOCOL INFORMATION

NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-03 - Case File In TIGRS
2006-06-28 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-06-12 - Assigned To Paralegal
2006-03-24 - Section 8 (6-year) and Section 15 Filed
2006-03-24 - TEAS Section 8 & 15 Received
2000-11-14 - Registered - Principal Register
2000-08-22 - Published for opposition
2000-07-21 - Notice of publication
2000-06-03 - Approved for Pub - Principal Register (Initial exam)
999-12-14 - Letter of suspension mailed
999-10-18 - Communication received from applicant
999-08-17 - Non-final action mailed
999-08-04 - Assigned To Examiner
999-07-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Roberta Jacobs-Meadway

SHINY 0640

Correspondent

ROBERTA JACOBS-MEADWAY
BALLARD SPAHR ANDREWS & INGERSOLL LLP
1735 MARKET STREET, 51ST FL
PHILADELPHIA PA 19103

SHINY 0641

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-04-03 15:42:27 ET

Serial Number: 76260669 Assignment Information

Registration Number: 2707751

Mark (words only): WILD SEXY HAIR

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-04-15

Filing Date: 2001-05-22

Transformed into a National Application: No

Registration Date: 2003-04-15

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-11-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

SEXY HAIR CONCEPTS, LLC

Address:

SEXY HAIR CONCEPTS, LLC

232 ETON AVENUE

HATSWORTH, CA 91311

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

SHINY 0642

hair care products for men, women, and children, namely hair shampoos, hair conditioners, hair lotions, hair
cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

Basis: 1(a)

First Use Date: 2002-08-15

First Use in Commerce Date: 2002-08-15

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

Prior Registration Number(s):

403396

MADRID PROTOCOL INFORMATION

NOT AVAILABLE)

PROSECUTION HISTORY

2003-04-15 - Registered - Principal Register

2003-01-27 - Allowed for Registration - Principal Register (SOU accepted)

2003-01-27 - Assigned To Examiner

2003-01-22 - Statement of use processing complete

2003-01-22 - Extension 1 granted

2002-10-09 - Amendment to Use filed

2002-10-09 - Extension 1 filed

2002-10-11 - PAPER RECEIVED

2002-04-16 - Notice of allowance - mailed

2002-01-22 - Published for opposition

2002-01-02 - Notice of publication

2001-09-06 - Approved for Pub - Principal Register (Initial exam)

2001-08-27 - Examiner's amendment mailed

2001-08-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

SHINY 0643

Attorney of Record
RICHARD E PEIRCE

Correspondent
RICHARD E PEIRCE
BALLARD SPAHR ANDREWS & INGERSOLL LLP
735 MARKET ST 51ST FL
PHILADELPHIA PA 19103-7599
Phone Number: 215-665-8500
Fax Number: 215-864-8999

SHINY 0644

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-04-03 15:42:37 ET

Serial Number: 76017117 Assignment Information

Registration Number: 2757856

Mark



words only): SEXY HAIR CONCEPTS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-09-02

Filing Date: 2000-04-04

Transformed into a National Application: No

Registration Date: 2003-09-02

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-11-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

. SEXY HAIR CONCEPTS, LLC

Address:
SEXY HAIR CONCEPTS, LLC
232 ETON AVENUE

SHINY 0645

CHATSWORTH, CA 91311

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair
cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

Basis: 1(a)

First Use Date: 2000-07-01

First Use in Commerce Date: 2000-07-01

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

Design Search Code(s):

1.01.03 - Star - a single star with five points

MADRID PROTOCOL INFORMATION

NOT AVAILABLE)

PROSECUTION HISTORY

003-09-02 - Registered - Principal Register

003-06-10 - Published for opposition

003-05-21 - Notice of publication

003-04-02 - Approved for Pub - Principal Register (Initial exam)

003-04-02 - Amendment to Use approved

003-03-17 - Communication received from applicant

003-03-17 - PAPER RECEIVED

001-09-11 - Letter of suspension mailed

001-07-13 - Communication received from applicant

001-06-25 - Non-final action mailed

SHINY 0646

001-01-11 - Disapproval - Amendment to use mailed

001-01-10 - Assigned To Examiner

000-12-27 - Amendment to use processing complete

000-11-03 - Amendment to Use filed

000-11-13 - Non-final action mailed

000-09-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ROBERTA JACOBS-MEADWAY

Correspondent

ROBERTA JACOBS-MEADWAY

BALLARD SPAHR ANDREWS & INGERSOLL LLP

735 MARKET ST 51ST FL

PHILADELPHIA PA 19103-7599

SHINY 0647

Boesenhofer, Mary T. (Phila)

Roberta Jacobs-Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street
Philadelphia PA 19103-7599
215-864-8201 (phone)
215-864-9950 (fax)
jacobsmeadwayr@ballardspahr.com

From: Danish, Keith E. [mailto:keith.danish@klgates.com]
Sent: Thursday, May 17, 2007 9:55 AM
To: Jacobsmeadway, Roberta (Phila)
Subject: RE: YOUNG SEXY LOVELY

Dear Roberta,

While we disagree that there is any realistic likelihood of confusion between the respective marks, our client has re-evaluated its marketing plans and decided to drop the "hair lotions" and "shampoos" from Appl. Ser. No. 79/027,779. This action was effected through an Examiner's Amendment dated May 11, 2007.

Our client sees no need to enter into any agreement with your client, and, therefore, we propose to close our file on this matter.

Sincerely,

Keith E. Danish
Of Counsel
K&L GATES
599 Lexington Avenue
New York, NY 10022-6030

Telephone: (212) 536-4063
Fax: (212) 536-3901

SHINY 0648

5/17/2007

E-Mail: keith.danish@klgates.com
Website: www.klgates.com

From: Jacobsmeadway, Roberta (Phila) [mailto:JacobsmeadwayR@ballardspahr.com]
Sent: Wednesday, May 16, 2007 4:34 PM
To: Danish, Keith E.
Cc: Boesenhofer, Mary T. (Phila)
Subject: YOUNG SEXY LOVELY

This has reference to our communications on May 3.
I look forward to hearing from you with respect to your client's intentions with respect to hair care preparations.

Roberta Jacobs-Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street
Philadelphia PA 19103-7599
215-864-8201 (phone)
215-864-9950 (fax)
jacobsmeadwayr@ballardspahr.com

This electronic message contains information from the law firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at keith.danish@klgates.com.

SHINY 0649

5/17/2007

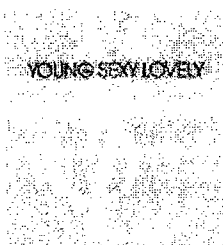
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-07-17 13:33:08 ET

Serial Number: 79027779 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



(words only): YOUNG SEXY LOVELY

Standard Character claim: No

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2007-06-27

Filing Date: 2006-08-02

The Information will be/was published in the Official Gazette on 2007-07-31

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
BELZER LYDIA M Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-06-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. YVES SAINT LAURENT PARFUMS

SHINY 0650

Address:

YVES SAINT LAURENT PARFUMS
28/34, Boulevard du Parc, F-92200 NEUILLY-SUR-SEINE
France

Legal Entity Type: Société par actions simplifiée

State or Country Where Organized: France

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Perfumes; eaux de toilette; deodorants for personal use; essential oils for personal use; oils for cosmetic purposes; soaps; cleansing milks for toilet purposes; creams, lotions and cosmetic products for skin care, namely nourishing creams; beauty masks; cosmetic preparations for slimming in the nature of creams and lotions for cellulite education, for bathing in the nature of bathing lotions, for skin tanning in the nature of sun tan lotion; face and body care creams and lotions; shower gels; foaming bath preparations; make-up products for the face and body, mascara, foundations, blusher, make-up powders; cosmetic pencils; make-up; nail polish; lipsticks

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) pink and white is/are claimed as a feature of the mark.

Description of Mark: The mark consists of a pink background, with the stylized acronym YSL made up of overlapping letters appearing in white. Across the acronym is the pink wording "YOUNG SEXY LOVELY".

Design Search Code(s):

26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):

855232

1025591

1289676

MADRID PROTOCOL INFORMATION

International Registration Number: 0895749

International Registration Date: 2006-08-02

Priority Claimed: Yes

Date of Section 67 Priority Claim: 2006-02-06

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2006-10-05

International Registration Renewal Date: 2016-08-02

Notification of Designation Date: 2006-10-05

Date of Automatic Protection: 2008-04-05

SHINY 0651

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

2007-07-11 - Notice of publication

2007-05-11 - Law Office Publication Review Completed

2007-05-10 - TEAS Change Of Correspondence Received

2007-05-11 - Examiner's amendment mailed

2007-05-10 - Approved for Pub - Principal Register (Initial exam)

2007-05-10 - Examiner's Amendment Entered

2007-05-10 - Examiners Amendment -Written

2007-05-10 - Previous allowance count withdrawn

2007-05-10 - Withdrawn From Pub - Examining Attorney Request

2007-04-04 - Law Office Publication Review Completed

2007-04-02 - Approved for Pub - Principal Register (Initial exam)

2007-03-29 - Amendment From Applicant Entered

2007-03-29 - Communication received from applicant

2007-03-21 - Assigned To LIE

2007-02-14 - PAPER RECEIVED

2006-12-22 - Refusal Processed By IB

2006-11-30 - Non-Final Action Mailed - Refusal Sent To IB

2006-11-30 - Refusal Processed By MPU

2006-11-29 - Non-Final Action (Ib Refusal) Prepared For Review

2006-11-28 - Non-Final Action Written

2006-11-17 - Assigned To Examiner

2006-10-06 - New Application Entered In Tram

2006-10-05 - Sn Assigned For Sect 66a Appl From IB

SHINY 0652

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Mark I. Peroff,

Correspondent

Mark I. Peroff

Kirkpatrick & Lockhart Preston Gates Ell

599 Lexington Avenue

New York NY 10022-6030

Phone Number: 212-536-3900

Fax Number: 212-536-3901

SHINY 0653

LAW OFFICES

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

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VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

ROBERTA JACOBS-MEADWAY
DIRECT DIAL: 215-864-8201
PERSONAL FAX: 215-864-9950
JACOBSMEADWAYR@BALLARDSPAHR.COM

July 30, 2007

via Federal Express

Marnie Wright Barnhorst, Esquire
The Trademark Group, APLC
1200 Prospect Street
Suite G100
La Jolla, CA 92037

Re: Trademark Application Serial No. 77/138,223
Jafer Ltd.
SEXY UNIQUE WOMAN
Our file: 039859

Dear Ms. Barnhorst:

This office represents Sexy Hair Concepts LLC of Chatsworth CA (Sexy Hair) in connection with certain trademark and unfair competition matters.

Sexy Hair has for almost ten years used SEXY as a mark and name and as a component of marks and names in connection with hair care preparations and has developed an extensive family of SEXY marks. The nature and extent of the use of the SEXY marks and names may be seen at the website at www.sexyhairconcepts.com.

Sexy Hair has taken steps to protect its SEXY marks and a printout showing the pertinent information about various of its registered trademarks is attached.

You will appreciate that the SEXY marks and names are valuable assets of Sexy Hair.

The application that you have filed on behalf of Jafer Ltd. is accordingly of concern, since the dominant element of that mark is SEXY and the goods identified in the application filed March 22, 2007 include hair care preparations, including shampoo, conditioners and gels.

SHINY 0654

Marnie Wright Barnhorst, Esquire
July 30, 2007
Page 2

If SEXY is used in connection with hair care preparations, we think a likelihood of confusion is high, granted the similarity between the marks and the goods.

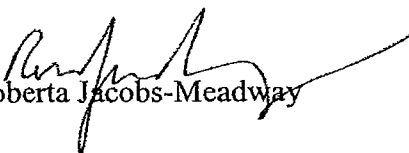
Accordingly, we are asking that your client delete from its application all hair care preparations and commit in writing that it will make no use of its mark in connection with hair care preparations.

Please be advised that if the amendment of the application is not made, and the application is published, we will lodge an opposition.

Please be advised that if an amicable resolution is not achieved, Sexy Hair reserves all rights to take such other action as may be appropriate to protect its trademark rights.

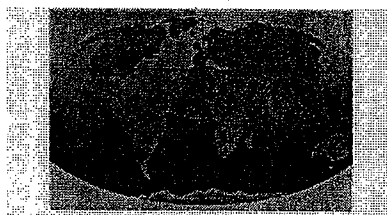
We look to hear from you with respect to your client's intentions in the matter.

Very truly yours,


Roberta Jacobs-Meadway

RJM/mtb

cc: Sexy Hair Concepts LLC



The Trademark Group

Marnie Wright Barnhorst, Esq.
Kiley B. MacDonald, Esq.
The Trademark Group, APLC
1200 Prospect Street, G-100
La Jolla, CA 92037

Telephone: (858) 456-4801
Facsimile: (858) 456-4802

email: mbarnhorst@trademarkgroup.com
kmacdonald@trademarkgroup.com

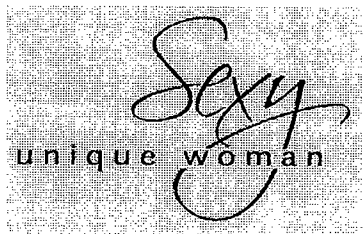
Client No.: 267

August 15, 2007

VIA EMAIL: jacobsmeadwayr@ballardspahr.com

Roberta Jacobs-Meadway
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599

Re: United States Intent to Use Trademark Application
Mark: **SEXY UNIQUE WOMAN** Stylized
Applicant: Jafer Limited
Serial No.: 77/138,223
Filed: March 22, 2007
Class: 03
Our Docket: T12867US00



Dear Ms. Jacobs-Meadway:

We write in response to your correspondence dated July 30, 2007, regarding your client's impending opposition of our client's trademark application referenced above. While we do not agree that our client's use of the above-referenced mark on hair care preparations infringes your client's rights in its **SEXY** trademarks, in order to resolve this matter expeditiously, our client has agreed to limit its identification of goods.

Please be advised that we have been authorized to file a Preliminary Amendment in the above-referenced application, deleting all hair care preparations and will do so as soon as possible. The new identification of goods will read as follows:

Visit our website at www.trademarkgroup.com

Associated Offices In: Argentina Australia Austria Azerbaijan Bahamas Bahrain Belarus Belize Benelux Bermuda Bolivia Bosnia Brazil British Virgin Islands Bulgaria Cambodia Canada Cayman Islands Chile China Colombia Costa Rica Croatia Cyprus Czech Denmark Dominican Republic Ecuador Egypt El Salvador Estonia European Community Federation Of Russia Finland France Georgia Germany Greece Grenada Guatemala Guyana Haiti Holland Honduras Hong Kong Hungary Iceland India Indonesia Ireland Israel Italy Jamaica Japan Jordan Kenya Kuwait Latvia Lebanon Lesotho Lithuania Malaysia Mexico Montserrat Morocco Netherlands New Zealand Nicaragua Nigeria Norway Oman Pakistan Panama Paraguay Peru Philippines Poland Portugal Puerto Rico Qatar Romania Saudi Arabia Singapore Slovak Slovenia South Africa South Korea Spain Sri Lanka Suriname Sweden Switzerland Syria Taiwan Tangiers Thailand Tunisia Turkey Ukraine United Arab Emirates United Kingdom Uruguay Venezuela Vietnam Yemen Yugoslavia Zaire Zimbabwe

SHINY 0656

Roberta Jacobs-Meadway
August 15, 2007
Page 2

“Perfumes, eau de perfume, fragrances for personal use, toilet water, cologne, toilet soap, deodorant for personal use, antiperspirants, talcum powder, body lotions, facial lotions, hand lotions, hand creams, facial creams and body creams in International Class 03.”

Please confirm that this amendment meets with your approval and that the matter will be resolved if we file the Preliminary Amendment with the USPTO.

Sincerely,

THE TRADEMARK GROUP, APLC

A handwritten signature in black ink, appearing to read "Marnie", is centered within a rectangular box. The signature is written in a cursive, flowing style.

Marnie Wright Barnhorst, Esq.

MWB: khb

SHINY 0657

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-03-17 14:20:36 ET

Serial Number: 77138223 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): SEXY UNIQUE WOMAN

Standard Character claim: No

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2008-01-29

Filing Date: 2007-03-22

The Notice of Allowance Date is: 2008-01-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 115

Attorney Assigned:
FRENCH CURTIS W

Current Location: 700 -Intent To Use Section

Date In Location: 2008-01-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Jafer Limited

Address:

SHINY 0658

Jafer Limited
Clarendon House, 2 Church Street
Hamilton HM12
Bermuda
Legal Entity Type: Corporation
State or Country of Incorporation: Bermuda

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Perfumes, eau de perfume, fragrances for personal use, toilet water, cologne, toilet soap, deodorant for personal use, antiperspirants, talcum powder, body lotions, facial lotions, hand lotions, hand creams, facial creams and body creams

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-29 - Notice of allowance - mailed

2007-11-06 - Published for opposition

2007-10-17 - Notice of publication

2007-10-02 - Law Office Publication Review Completed

2007-09-27 - Teas/Email Correspondence Entered

2007-09-27 - Communication received from applicant

2007-09-27 - Assigned To LIE

2007-08-15 - TEAS Response to Office Action Received

2007-07-03 - Approved for Pub - Principal Register (Initial exam)

SHINY 0659

2007-06-25 - Assigned To Examiner

2007-03-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Marnie Wright Barnhorst

Correspondent

MARNIE WRIGHT BARNHORST
THE TRADEMARK GROUP, APLC
1200 PROSPECT ST STE G100
LA JOLLA, CA 92037-3608
Phone Number: 858-456-4801
Fax Number: 858-456-4802

SHINY 0660

LAW OFFICES

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 MARKET STREET, 51ST FLOOR
PHILADELPHIA, PENNSYLVANIA 19103-7599
215-665-8500
FAX: 215-864-8999
WWW.BALLARDSPAHR.COM

BALTIMORE, MD
BETHESDA, MD
DENVER, CO
LAS VEGAS, NV
PHOENIX, AZ
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

ROBERTA JACOBS-MEADWAY
DIRECT DIAL: 215-864-8201
PERSONAL FAX: 215-864-9950
JACOBSMEADWAYR@BALLARDSPAHR.COM

January 9, 2008

By Federal Express

Arthes S.A.
Parc Industriel des Bois de Grasse
BP 91006
F-06131 Grasse
FRANCE

Re: RE: Application serial no. 79044930 for SEXY BOY, Jeanne ARTH
Our File: 013573

Dear Sir/Madam:

This has reference to my letter of November 30, 2007 (copy attached).

As noted previously, this office represents Sexy Hair Concepts LLC of Chatsworth CA (Sexy Hair).

You will then appreciate that the SEXY and SEXY HAIR marks and names of Sexy Hair are very valuable assets of Sexy Hair and it is the policy and the practice of Sexy Hair to protect its trademark and trade name rights and that the application you have filed for the SEXY BOY mark is of concern, since the identification of goods includes hair lotions.

There is no indication that any use of the mark in connection with hair lotions has been made in the U.S.

In the circumstances, we believe the matter may be most readily resolved if application serial no. 79044930 is amended to delete hair lotions from the identification of goods, and if Arthes S.A. will provide a written commitment that it will make no use of SEXY BOY as a mark or as a component of a mark on or in connection with any hair care product or preparation.

SHINY 0661

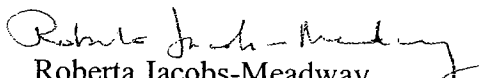
Parc Industriel des Bois de Grasse

January 9, 2008

Page 2

This is to confirm that we have been authorized to lodge an opposition to registration of the mark of the above-identified application in the event it should be published for opposition and the requested amendment has not been made.

Very truly yours,


Roberta Jacobs-Meadway

RJM/mtb

Enclosure

cc: Sexy Hair Concepts (via E-Mail)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-11-30 15:59:24 ET

Serial Number: 75634213 Assignment Information Trademark Document Retrieval

Registration Number: 2403396

Mark (words only): SEXY HAIR

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-06-28

Filing Date: 1999-02-05

Transformed into a National Application: No

Registration Date: 2000-11-14

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-08-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SEXY HAIR CONCEPTS, LLC

Address:

SEXY HAIR CONCEPTS, LLC
9232 ETON AVENUE
CHATSWORTH, CA 91311
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

SHINY 0665

Hair care products for men, women and children, namely hair shampoos, hair conditioners, hair lotions, hair cremes, hair gels, hair sprays, hair color, hair dyes, hair rinses, hair mousse

Basis: 1(a)

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-03 - Case File In TICRS

2006-06-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-06-12 - Assigned To Paralegal

2006-03-24 - Section 8 (6-year) and Section 15 Filed

2006-03-24 - TEAS Section 8 & 15 Received

2000-11-14 - Registered - Principal Register

2000-08-22 - Published for opposition

2000-07-21 - Notice of publication

2000-06-03 - Approved for Pub - Principal Register (Initial exam)

1999-12-14 - Letter of suspension mailed

1999-10-18 - Communication received from applicant

1999-08-17 - Non-final action mailed

1999-08-04 - Assigned To Examiner

1999-07-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Roberta Jacobs-Meadway

SHINY 0666

Correspondent

ROBERTA JACOBS-MEADWAY
BALLARD SPAHR ANDREWS & INGERSOLL LLP
1735 MARKET STREET, 51ST FL
PHILADELPHIA PA 19103

SHINY 0667

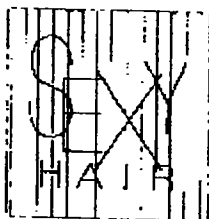
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-11-30 15:59:48 ET

Serial Number: 75751842 Assignment Information Trademark Document Retrieval

Registration Number: 2486702

Mark



(words only): SEXY HAIR

Standard Character claim: No

Current Status: Registered.

Date of Status: 2001-09-11

Filing Date: 1999-07-15

Transformed into a National Application: No

Registration Date: 2001-09-11

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-01-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Ecoly International, Inc.

Address:

Ecoly International, Inc.
9232 Eton Avenue

SHINY 0668

Chatsworth, CA 91311

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

hair care products for men, women and children, namely shampoos, conditioners, hair lotions, hair conditioning creams, hair gels, hair sprays, hair color, hair tint and hair mousse

Basis: 1(a)

First Use Date: 1998-06-15

First Use in Commerce Date: 1998-12-21

ADDITIONAL INFORMATION

Disclaimer: "HAIR"

Lining and Stippling: THE MARK IS LINED FOR THE COLOR RED.

Design Search Code(s):

26.11.12 - Rectangles with bars, bands and lines

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-01-29 - Case File In TIGRS

2001-09-11 - Registered - Principal Register

2001-06-19 - Published for opposition

2001-06-06 - Notice of publication

2001-01-23 - Approved for Pub - Principal Register (Initial exam)

2000-07-05 - Communication received from applicant

2000-07-05 - Communication received from applicant

2000-06-07 - Communication received from applicant

2000-01-20 - Non-final action mailed

SHINY 0669

1999-12-15 - Assigned To Examiner

1999-12-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Roberta Jacobs-Meadway

Correspondent

ROBERTA JACOBS-MEADWAY

AKIN, GUMP, STRAUSS, HAUER & FELD, LLP

ONE COMMERCE SQUARE

2005 MARKET STREET, 22ND FLOOR

PHILADELPHIA, PA 19 103-7086

SHINY 0670

Boesenhofer, Mary T. (Phila)

215-864-8201 (phone)
215-864-9950 (fax)
jacobsmeadwayr@ballardspahr.com

-----Original Message-----

From: Aline Locatelli [mailto:a.locatelli@groupe-arthes.com]
Sent: Friday, January 11, 2008 5:18 AM
To: Jacobsmeadway, Roberta (Phila)
Subject: File No. 013573

Dir Madam,

Following your mail dated of January the 9th, 2008, we certify that it will make no use of SEXY BOY as a mark or as a component of a mark on or in connection with any hair care product or preparation.

Best regards,
Aline LOCATELLI

-----Message d'origine-----

De : Aline Locatelli [mailto:a.locatelli@groupe-arthes.com]
Envoyé : jeudi 6 décembre 2007 12:25
À : 'jacobsmeadwayr@ballardspahr.com'
Objet : File No. 013573

Dir Madam,

Following your mail dated of November the 30th, you will find, in attached file, the mail I send today to the United States Patent and Trademark Office. As you asked us for it, we delete HAIR LOTIONS from the identification of goods for our trademark SEXY BOY.

We apologize for this inconvenience, I hope it will be enough to close this matter. Please, confirm it.

Kind regards,

Aline LOCATELLI
Trademark Department
a.locatelli@groupe-arthes.com

SHINY 0671

A R T H E S

BP 91006 - Parc Industriel des Bois de Grasse

06 131 Grasse Cedex - FRANCE

Tél : 33 (0) 4 93 70 90 60

Fax : 33 (0) 4 93 70 90 61

www.groupe-arthes.com

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-03-17 14:27:18 ET

Serial Number: 79044930 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SEXY BOY, Jeanne ARTHES

(words only): SEXY BOY, JEANNE ARTHES

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2008-03-14

Filing Date: 2007-07-31

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
HAMPTON CHARISMA

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2008-03-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ARTHES S.A.

Address:

ARTHES S.A.

Parc Industriel des Bois de Grasse BP 91006; F-06131 GRASSE
France

Legal Entity Type: SOCIETE ANONYME

State or Country Where Organized: France

GOODS AND/OR SERVICES

International Class: 003

SHINY 0673

Class Status: Active

PERFUMES, TOILET WATER, SKIN SOAP, AFTER SHAVE GEL, AFTER SHAVE BALM, PERSONAL DEODORANTS, MAKE-UP, BODY LOTION, SKIN CARE LOTION, EAU DE TOILETTE, EAU DE PARFUM
Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Name Portrait Consent: JEANNE ARTHES does not identify a living individual.

Prior Registration Number(s):

3023851

MADRID PROTOCOL INFORMATION

International Registration Number: 0895717

International Registration Date: 2006-06-26

Priority Claimed: No

Date of Section 67 Priority Claim: (DATE NOT AVAILABLE)

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2007-11-08

International Registration Renewal Date: 2016-06-26

Notification of Designation Date: 2007-11-08

Date of Automatic Protection: 2009-05-08

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-14 - Non-final action mailed

2008-03-13 - Non-Final Action Written

2008-03-03 - Amendment From Applicant Entered

2008-03-03 - Communication received from applicant

2008-03-03 - Assigned To LIE

2008-01-30 - PAPER RECEIVED

2007-12-07 - Refusal Processed By IB

2007-11-16 - Non-Final Action Mailed - Refusal Sent To IB

2007-11-16 - Refusal Processed By MPU

2007-11-16 - Non-Final Action (Ib Refusal) Prepared For Review

2007-11-15 - Non-Final Action Written

SHINY 0674

2007-11-09 - Assigned To Examiner

2007-11-09 - New Application Entered In Tram

2007-11-08 - Sn Assigned For Sect 66a Subseq Desig From IB

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ARTHES S.A.

Parc Industriel des Bois de Grasse

BP 91006

F-06131 GRASSE

FRANCE

SHINY 0675

LAW OFFICES

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 MARKET STREET, 51ST FLOOR
PHILADELPHIA, PENNSYLVANIA 19103-7599
215-665-8500
FAX: 215-864-8999
WWW.BALLARDSPAHR.COM

BALTIMORE, MD
DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

ROBERTA JACOBS-MEADWAY
DIRECT DIAL: 215-864-8201
PERSONAL FAX: 215-864-9950
JACOBSMEADWAYR@BALLARDSPAHR.COM

September 15, 2006

*via email lmcfarland@kmwlaw.com
and First Class Mail*

Larry W. McFarland, Esquire
Keats McFarland & Wilson LLP
9720 Wilshire Boulevard
Penthouse Suite
Beverly Hills, CA 90212

Re: Trademark Application of James Todd Smith
Serial No. 78/870,458 - Size Sexy

Dear Mr. McFarland:

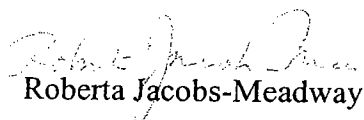
This has reference to application serial no. 78/870,458 for SIZE SEXY.

We note that the application is directed to hair care products, inter alia. On behalf of Sexy Hair Concepts LLC, we are requesting that all such products be deleted from the application as likely to cause confusion with the SEXY HAIR marks. We ask for a commitment that no use of SIZE SEXY will be made on or in connection with hair care products.

We ask that you let us know your client's intentions in this matter.

This offer of compromise is, of course, without prejudice.

Very truly yours,


Roberta Jacobs-Meadway

RJM/vlm

cc: Sexy Hair Concepts, LLC

Jacobsmeadway, Roberta (Phila)

03/28/2

From: Ellie Schwimmer [eschwimmer@kmlaw.com]
Sent: Tuesday, February 20, 2007 4:03 PM
To: Jacobsmeadway, Roberta (Phila)
Subject: RE: CTM Application - Size Sexy

Hi Roberta –

Pursuant to your letter dated February 12, 2007, and in the interest of resolving any further dispute between the parties, I have requested that our foreign counsel delete the following from our CTM application for the mark SIZE SEXY:

Hair care products, namely, shampoos, conditioners, mousse, gels, frosts, creams, rinses, sprays, hair color, hair waving lotion, permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair color removers, hair relaxing preparations, hair styling preparations, hair removing cream, and hair care preparations; hair dressings for men.

Regards,
Ellie

Ellie Schwimmer, Esq. | Keats McFarland & Wilson LLP | 9720 Wilshire Boulevard, Penthouse Suite | Beverly Hills, California 90212
direct dial 310.777.3755 | main line 310.248.3830 | facsimile 310.860.0363 | email eschwimmer@kmlaw.com

From: Martin, Valerie (Phila) [mailto:MartinV@ballardspahr.com] **On Behalf Of** Jacobsmeadway, Roberta (Phila)
Sent: Monday, February 12, 2007 1:49 PM
To: Ellie Schwimmer
Subject: CTM Application - Size Sexy

See attached correspondence; original being sent via first class mail.
<<SizeSexy.PDF>>

Roberta Jacobs-Meadway, Esquire

JacobsMeadwayR@ballardspahr.com
Ballard Spahr Andrews & Ingersoll LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
(215) 864-8201
(215) 864-9950 (fax)

2/20/2007

SHNY 0696

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-11 15:19:44 ET

Serial Number: 78870458 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SIZE SEXY

(words only): SIZE SEXY

Standard Character claim: Yes

Current Status: Abandoned after mark was published for opposition in the Official Gazette.

Date of Status: 2007-08-20

Filing Date: 2006-04-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 700 -Intent To Use Section

Date In Location: 2007-04-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SMITH, JAMES TODD

Address:

SMITH, JAMES TODD
405 PARK AVENUE, 15TH FLOOR

SHNY 0697

NEW YORK, NY 10022

United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 003

Class Status: Abandoned

Cosmetics; facial makeup, concealers, blushers, facial powders, foundation makeup, eye makeup, eye pencils, eyebrow pencils, mascara, false eyelashes, compacts containing makeup, cosmetic pencils, lipstick, lip gloss, lip pomades, lip pencils, makeup removers, makeup applicators in the nature of cotton swabs for cosmetic purposes, eye creams, facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturizers, facial lotions, wrinkle removing skin care preparations, nail care preparations, nail polishes, nail polish removers, nail creams, cuticle removing preparations, nail buffing preparations, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, bath beads, bath crystals, bath foam, bath gels, bath oils, bath powders, bath salts, face wash, skin cleansers, body scrubs, body fragrances, body and hand lotions, shower gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, shaving preparations, shaving balm, shaving cream, shaving gel, skin abrasive preparations, non-medicated skin creams and skin lotions for relieving razor bumps, non-medicated lip care preparations, lip cream, sunscreen preparations, suntanning preparations and after-sun lotions; self-tanning preparations, namely, self tanning milk and cream, accelerated tanning cream, self-tanning lotions, gels and sprays; perfume, cologne, eau de toilette, eau de perfume, eau de cologne and toilette water; toothpaste, deodorant and antiperspirant; cosmetic pads, pre-moistened cosmetic wipes, pre-moistened cosmetic tissues and towelettes; cotton sticks for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; non-medicated topical skin creams, ointments, gels, toners, lotions, sprays and powders; aromatherapy creams, lotions and oils; baby wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene and household use; incense; room fragrances; fragrance emitting wicks for room fragrances; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; potpourri; aromatherapy pillows comprising potpourri in fabric containers

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

SHNY 0698

NOTE: To view any document referenced below, click on the link to "Trademark Document

Retrieval" shown near the top of this page.

2007-08-20 - Abandonment Notice Mailed - After Publication

2007-08-20 - Abandonment - After publication

2007-08-17 - TEAS Express Abandonment Received

2007-04-17 - Notice of allowance - mailed

2007-01-23 - Published for opposition

2007-01-03 - Notice of publication

2006-12-05 - Law Office Publication Review Completed

2006-12-04 - Assigned To LIE

2006-11-15 - Approved for Pub - Principal Register (Initial exam)

2006-11-14 - Teas/Email Correspondence Entered

2006-11-13 - Communication received from applicant

2006-11-13 - TEAS Response to Office Action Received

2006-10-04 - Non-final action e-mailed

2006-10-04 - Non-Final Action Written

2006-09-27 - Assigned To Examiner

2006-05-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LARRY W. MCFARLAND

Correspondent

LARRY W. MCFARLAND

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